

mentioned, holds the honor of having served as the longest Director of the Peace Corps, which was during the 8 years of the Reagan administration. I respected Paul Coverdell enormously. I worked closely with him on Peace Corps issues when he was the Director between 1989 and 1991. I actually chaired his confirmation hearings before the Senate Foreign Relations Committee.

He and I continued to work together on Peace Corps matters when he joined the Senate in 1993, and served, as he did then, as the ranking member. I was then chairman of the subcommittee having jurisdiction over the Peace Corps. Whenever he would discuss any legislation related to the Peace Corps, the first thing Paul Coverdell would ask was, is it good for the Peace Corps? Is it going to create problems? Is it going to fracture the bipartisan consensus that has existed for 40 years with respect to this organization?

Paul always put the interests of the organization, and particularly the volunteers, first. I believe we should do so as well. That is our responsibility, in my view.

This year the Peace Corps will celebrate its 40th anniversary since being established by President Kennedy in 1961. The Peace Corps stands as a living embodiment of the well-remembered challenge that President Kennedy posed to all Americans more than four decades ago: It is not what your country can do for you but, rather, what you can do for your Nation.

The Peace Corps was first established by Executive order during the early days of the Kennedy administration. Sargent Shriver was named as its first Director. Soon thereafter Congress enacted legislation to codify it into law.

The legislation is quite simple. It set forth three goals for the organization: to help the people of interested nations in meeting their need for trained men and women, to help promote a better understanding of Americans on the part of peoples served, and to help promote a better understanding of other peoples on the part of Americans.

As the first Director of the Peace Corps, Sargent Shriver confronted the special challenge of transforming President Kennedy's challenge to America's young adults into an operation program that would meet the three goals established by this organization.

During the 5 years of his tenure as Director, Sargent Shriver gave form to the dream of voluntary service. The 14 Directors who followed in his footsteps benefitted from the foundation that he had established for the organization. However, each succeeding Director, in his or her own way, has also made significant contributions, which has kept the Peace Corps strong and vibrant over these past 40 years.

The heart and soul of the organization, however, is not the Directors of

the Peace Corps, or the Peace Corps staff in Washington, or the buildings; it is the volunteers—past, present, and future.

Over the past 40 years, more than 161,000 Americans, young and old, men and women, have given up at least 2 years of their lives in service to our Nation, and in far flung corners of the world. I was privileged, as I said at the outset of these remarks, to be one of those volunteers.

Peace Corps volunteers have served in 130 nations, working to bring clean water to communities, teaching their children, helping start small businesses, and more recently joining in the international efforts to stop the spread of AIDS.

Today, there are more than 7,000 volunteers serving in 76 nations, working to put a living face on America for those people in developing countries who might never otherwise have any contact with America or her values. Through the Peace Corps, the United States has shared its most valuable resource in the promotion of peace and development—its people. That is our greatest resource, and volunteers are the very embodiment of our best values.

The men and women who have served and answered the call of the Peace Corps reflect the rich diversity of our Nation, but they have one thing in common; namely, a common spirit of service, of dedication, and of idealism. We should not let politics or partisan bickering ever in any way diminish that spirit. Let us continue to respect the unique nature of the Peace Corps and show deference to the tens of thousands of volunteers who have given their time to make the Peace Corps the internationally respected organization that it is today. It is more than one director. It is more than any one volunteer. In fact, the sum total of the Peace Corps is larger than all of its parts. That is why we should not try to embody the spirit of the organization by placing one of its elements above the others.

For those reasons, I raised the objections and the reservations about this resolution. I withdrew those reservations in the spirit of cooperation, knowing it is important that the Peace Corps not be embroiled in this kind of battle.

I hope in the future more patience will be demonstrated, more consultation involved, before we move ahead at the pace we did with this particular proposal. My respect and admiration to Paul and his family, to his wife, and to his staff and others who have worked with him over the years. Please understand that my objections raised here today, my reservations raised here today, have nothing whatsoever to do with my deep admiration for him, his work as Senator, or his work as Director of the Peace Corps during his 2 years of service.

I thank my colleague from West Virginia and yield the floor.

MORNING BUSINESS

Mr. BYRD. Mr. President, I ask unanimous consent, on behalf of the majority leader, that the Senate now enter into a period for the transaction of morning business and Senators be permitted to speak for up to 10 minutes each, with the exception of my own statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECONCILIATION PROCESS REFORM

Mr. BYRD. Mr. President, one of the most significant pieces of legislation ever enacted by Congress was the Congressional Budget Act of 1974. In my capacity as Majority Whip, as well as Chairman of the Senate Rules Committee's Subcommittee on the Standing Rules of the Senate, I was deeply involved in the preparation of the Senate version of that bill, S. 1541. I assembled a staff working group to make extensive revisions to a bill that had been reported out of the Committee on Government Operations. That staff group consisted of representatives of the chairmen of the ten standing committees of the Senate, four joint committees, the House Appropriations Committee, the Congressional Research Service, and the Office of Senate Legislative Counsel, and the parliamentarian of the Senate—at that time, Robert Dove.

On March 19, 1974, we took S. 1541 to the Senate Floor. At that time I stated that, "when Senators look back some years in the future, many may be able to say that this was among the most important measures acted upon during our entire service in Congress."

As I pointed out in my remarks on March 19, 1974, "In the fifty years subsequent to the enactment of the Budget and Accounting Act, Congress had permitted its 'power of the purse' under The Constitution to slip away, or diminish." That trend, as I further pointed out, had been magnified during the previous five years. While presidents over many decades had occasionally seen fit to withhold funds appropriated by Congress, in the years leading up to the enactment of the Congressional Budget Act of 1974, the President had expanded this practice to cover programs throughout the Government. Many billions of dollars had been withheld, not because of any changes in circumstances after the action of the Congress in approving the funding, but merely because the President did not agree with the priorities or the judgments made by the Congress. As a consequence, the confidence of the public in its Government processes had been diminished.

In order to give force, then, to Congress's spending choices, and in order to stop this arbitrary withholding by the executive branch, it was necessary to put into place a new Budget and Impoundment Control Act. S. 1541 established a comprehensive congressional budget process. Under that act, a budget reconciliation process was established as an optional procedure to enhance Congress's ability to change current law in order to bring revenue and spending levels into conformity with the targets of the budget resolution.

Let me repeat that sentence. There are probably Senators who wonder, why do we have a reconciliation process? Why was it created in the first instance? Let me say again, under that act, a budget reconciliation process was established as an optional procedure to enhance Congress's ability to change current law in order to bring revenue and spending levels into conformity with the targets of the budget resolution.

At the time of the enactment of the Congressional Budget and Impoundment Control Act of 1974, it was thought that Congress would pass its first budget resolution at the beginning of the session, followed by the annual appropriation bills and any other spending measures.

Perhaps I should say that again, just to show how far we have wandered from the course originally conceived by the Congress as the reconciliation process. At the time of the enactment of the Congressional Budget and Impoundment Control Act of 1974, it was thought that Congress would pass its first budget resolution at the beginning of the session, followed by the annual appropriation bills—all of them; today that would be 13 annual appropriation bills—followed by the annual appropriation bills and any other spending measures. Then Congress would issue any reconciliation instructions that might be necessary to bring the spending and the revenues in line with the budget resolution. That process was to then involve the passage of a second budget resolution.

Reconciliation involves a two-stage process in which reconciliation instructions are included in the budget resolution in order to direct appropriate committees to achieve the desired budgetary results, and then to incorporate those results into an omnibus bill which is considered under expedited procedures in the House and the Senate.

In its report entitled, "The Budget Reconciliation Process: Timing of Legislative Action," updated October 24, 2000, the CRS states that reconciliation was first used during the administration of President Carter in calendar year 1980 for fiscal year 1981. According to the Congressional Research Service, then, reconciliation was not used at all

from the time of enactment of the Congressional Budget Act of 1974 until 6 years later, in calendar year 1980. During the period since 1980, for fiscal years 1981 through 2001, there have been 14 reconciliation measures enacted into law and three that have been vetoed.

As was contemplated by the Congressional Budget Act of 1974, the reconciliation process has been a very important and powerful tool with which to enforce the policies of annual budget resolutions. As a properly used deficit-fighting tool, reconciliation bills that have been enacted have resulted in well over a trillion dollars in budgetary savings in the past two decades.

I have often—at least in recent years—referred to the reconciliation process as a "bear trap." It is a bear trap because of the fast-track procedures that were included in the Congressional Budget Act to help Congress enact quickly necessary changes in spending or in revenues to ensure the integrity of the budget resolution targets.

This fast-track procedure limits Senate debate on reconciliation bills to 20 hours, and that time can be further limited by a nondebateable motion approved by a majority vote so that there being 20 hours on the resolution, a majority at any time could yield back its 10 hours, leaving only 10 hours, and then can proceed to move that the remaining 10 hours be reduced to 2 hours or 1 hour or a half hour or zero. That would be a nondebateable motion, and it needs only a majority to carry. Only germane amendments are allowed to reconciliation bills. Time on reconciliation bills, as I have already said, may be further limited by nondebateable motion. A determined majority could, in fact, as I have indicated, limit Senate consideration of reconciliation bills to no more than 1 hour, no more than 10 minutes, or no time at all.

Reconciliation bills, unfortunately, have proven to be almost irresistible vehicles for Senators to use to move all manner of legislation because of these fast-track procedures. At times, the misuse has been gross. On June 22, 1981, when the Senate was considering S. 1377, the Omnibus Reconciliation Act of 1981, then-majority leader, Howard Baker, called up amendment No. 171, which was cosponsored by me—I was then the minority leader—and by Senator DOMENICI of New Mexico, who is chairman of the Budget Committee, and by Senator Fritz Hollings of South Carolina, the then-ranking member of that committee.

Let me read a brief excerpt from a colloquy that occurred during the debate on that amendment:

Mr. BAKER. Aside from its salutary impact on the budget, reconciliation also has implications for the Senate as an institution. So long as a preponderance of its subject matter has a budgetary impact, a reconciliation bill

could contain non-budgetary amendments to substantive law, and still be protected under the Budget Act. That notwithstanding, I believe—

This is Senator Howard Baker talking—

that including such extraneous provisions in a reconciliation bill would be harmful to the character of the Senate. It would cause such material to be considered under time and germaneness provisions that impede the full exercise of minority rights.

That was the then-majority leader, a Republican, Howard Baker, speaking with reference to the protection of minority rights. His party was not in the minority. His party was in the majority at that time. But he spoke out on behalf of minority rights.

Senator Baker further said:

It would evade the letter and spirit of Rule XXII.

It would create an unacceptable degree of tension between the Budget Act and the remainder of Senate procedures and practices. Reconciliation was never meant to be a vehicle for an omnibus authorization bill. To permit it to be treated as such is to break faith—

This is Republican majority leader, Howard Baker, speaking now —

with the Senate's historical uniqueness as a forum for the exercise of minority and individual rights.

For principally these reasons, I have labored with the distinguished minority leader—

Referring to Senator Robert C. Byrd—

with the chairmen and ranking minority member of the Budget Committee, and with other committee chairmen to develop a bipartisan leadership amendment. This amendment would strike from the bill subject matter which all these parties can agree is extraneous to the reconciliation instructions set forth last month in House Concurrent Resolution 115. What will remain in the bill is directly responsive to these instructions, has a budgetary savings impact, and plainly belongs in a reconciliation measure.

That is the end of my excerpt of Senator Baker's remarks.

Mr. President, I followed Senator Baker's comments in 1981, as follows:

Mr. BYRD. Mr. President, if the reconciliation bill is adopted in its present form, it will do violence to the budget reform process. The reconciliation measure contains many items which are unrelated to budget savings. This development must be viewed in the most critical light, to preserve the principle of free and unfettered debate that is the hallmark of the United States Senate.

The ironclad parliamentary procedures governing the debate of the reconciliation measure should by no means be used to shield controversial or extraneous legislation from free debate. However, language is included in the reconciliation measure that would enact routine authorizations that have no budget impact whatsoever. In other cases, legislation is included that makes drastic alterations in current policy, yet, has no budgetary impact.

The reconciliation bill, if it includes such extraneous matters, would diminish the value of Rule XXII. The Senate is unique in the way that it protects a minority, even a minority of one with regard to debate and amendment. The procedures that drive the reconciliation bill set limits on the normally

unfettered process of debate and amendment because policy matters that do not have clear and direct budgetary consequences are supposed to remain outside its scope, talking about the scope of a reconciliation bill.

I went on to say at that time:

The amendment offered by the majority leader—

Meaning Mr. Baker—

and me omits several nonbudget related authorizations which should also be stricken from this bill. The fact that they were not included in this amendment should not be construed as accepting their inclusion in the bill.

We have gone as far as we can go in this amendment, but we have not gone as far as we should go.

And then, Mr. President, the amendment was agreed to by voice vote.

The Senate's first several years' experience with reconciliation was described in a Congressional Research Service report entitled "The Senate's Byrd Rule Against Extraneous Matters in Budget Reconciliation Bills," updated July 9, 1998. In that report, CRS states that reconciliation legislation often contained many provisions that were extraneous to implementing budget resolution policies. Reconciliation submissions by committees have included things that had no budget effect, that increased spending or reduced revenues when the reconciliation instructions called for reduced spending or increased revenues, or that violated another committee's jurisdiction. It was for this reason that I put forth what has come to be known as the "Byrd rule" as a means of curbing such practices.

The Byrd rule has been extended and modified several times over the years and in 1990 was incorporated into the Congressional Budget Act of 1974 as section 313 and made permanent, 2 U.S.C. 644.

I will not take the time of the Senate to go into great detail about the operations of the Byrd rule as applied to reconciliation measures. Suffice it to say, however, that, in general, a point of order authorized under the Byrd rule may be raised in order to strike extraneous matter already in the bill as reported or discharged—or in the conference report—or to prevent the incorporation of extraneous matter through the adoption of amendments or motions.

A motion to waive the Byrd rule or to sustain an appeal of the ruling of the Chair on a point of order raised under the Byrd rule requires an affirmative vote of three-fifths of the membership of the Senate. It takes 60 votes to waive that Byrd rule.

That Byrd rule has been criticized up one side and down the other. It has been criticized by the other body, by Members of the other body critical of the Byrd rule, but they should be thankful for the Byrd rule.

What I am attempting to lay out for the Senate today is the fact that this

reconciliation process, while being very effective in enabling Congress to meet its deficit reduction targets over the past two decades, is fraught with opportunities for abuse because of its fast-track procedures.

When we created this reconciliation bill process, it was unthinkable that it would be used in ways that it has come to be used. The procedures have been abused. The abuse consists in the fact that those procedures take away from Senators the opportunity to offer their amendments and to debate them fully. That is the Senate's *raison d'être*, its reason for being.

Reconciliation is a nonfilibusterable "bear trap" that should be used very sparingly and, I believe, only for purposes of fiscal restraint. That was the intention in the beginning. It was not intended to be used as a fast track in order to ram through very controversial, very costly tax cuts or to ram through authorization measures that otherwise might entail long and vigorous debate. In other words, reconciliation should be used only for reducing deficits or for increasing surpluses in years when no deficits are projected.

Relevant to this matter is a statement made on the Senate floor by the distinguished chairman of the Budget Committee, Mr. DOMENICI, and repeated in the "Budget Process Law Annotated, 1993 edition," on page 204. Here is what he said:

Mr. President, will the distinguished minority leader—

Senator BYRD—

permit me to respond to what "extraneousness" means thus far in its evolution in the Senate? Let me suggest that, going back to 1981, we have evolved these four definitions, and I believe they are used by minority and majority members of the committee now. I would just read them quickly:

One, provisions that have no direct effect on spending and which are not essential to achieving the savings.

Two, provisions which increase spending and are not so closely related to saving provisions that they cannot be separated.

Three, provisions which extend authorizations without saving money, and which are not so closely related to saving provisions that they cannot be separated.

Four, provisions which invade another committee's jurisdiction, whether or not they save money.

And I am not saying that is all inclusive, but, up to this point, that is what we have been using."

So, Mr. President, there we have it, the statement in 1985 of Mr. DOMENICI, our distinguished Budget Committee chairman, as to what should be considered "extraneous" in reconciliation bills going back to 1981.

Nevertheless, in recent years, regretably, the Republican congressional leadership has chosen to stray from the definitions set forth by Mr. DOMENICI. In fact, our distinguished Democratic Leader, Mr. DASCHLE, came to the Senate Floor on May 21, 1996, during consideration of the fiscal year 1997 budget

resolution, and delivered very eloquent remarks concerning the fact that the budget resolution then before the Senate contained reconciliation instructions which in our distinguished leader's view should not have been in order, essentially because that budget resolution for fiscal year 1997 instructed a committee to produce a reconciliation measure that actually increased the deficit. At that time, Mr. DASCHLE pointed out what I believe most Senators felt in their hearts was the proper use of the reconciliation process, namely, that reconciliation instructions should be used to ensure that authorizing committees achieved their deficit-reducing targets and that they should be used as a way of forcing deficit reduction on committees. That should be the sole reason for using the highly restricted vehicle called reconciliation.

As our Democratic leader, Mr. DASCHLE, stated, "We deprive Senators of their normal right to debate and amend only because we seek to ensure that the committees follow through in the crucial business of exercising fiscal responsibility." Nevertheless, the Chair ruled that the reconciliation instructions in question were in order, and the vote on the appeal of that ruling sustained the chair by a party-line vote of 57 yeas to 43 nays. And, so, those reconciliation instructions were included in the fiscal year 1997 budget resolution. It bears noting that the conference report on the budget resolution for 1997, on pages 82–83, contained a discussion concerning that year's reconciliation process. I quote from page 82 of that conference report as follows,

"Notwithstanding the fact that the authors of the 1974 Budget Act were neutral as to the policy objectives of reconciliation, since 1975, reconciliation and reconciliation legislation has been used to reduce the deficit. The conferees note that, while this resolution includes a reconciliation instruction to reduce revenues, the sum of the instructions would not only reduce the deficit, but would result in a balanced budget by 2002."

So, Mr. President, the fiscal year 1997 reconciliation instructions, according to the conference report, resulted in deficit reduction, despite the fact that one of those reconciliation instructions allowed for a tax cut.

Now that brings us to the problem we have faced in the last two years. In 1999, the reconciliation process was used by the Republican leadership to allow for a \$792 billion tax cut to be brought to the Senate using fast-track budget reconciliation procedures, taking away the rights of Senators to debate fully and amend that tax cut bill. I believe this was the first time (or at least one of the rare times) that reconciliation instructions were issued that mandated a worsening of fiscal discipline for the Federal Government. Unlike the fiscal year 1997 budget resolution, I do not believe that the budget reconciliation instructions in 1999 resulted in improving the fiscal status of

the Federal budget. Again, in the year 2000, the reconciliation process was used to allow for major tax cuts to be brought before the Senate in reconciliation bills. In short, we have, in my view, abused and distorted beyond all recognition the original, very limited purpose for the optional reconciliation procedure.

Now, Mr. President, we have reason to believe the majority will again this year, put together a budget resolution which will contain reconciliation instructions to the Senate Finance and House Ways and Means Committees directing them, this time, to bring forth a \$2 trillion tax cut bill. Bad habits tend to perpetuate, it seems.

In a recent article entitled, "Budget Battles, Government by Reconciliation," in the *National Journal* on January 9, 2001, the author, Mr. Stan Collender, states that, "... At this point, there is talk about at least five different reconciliation bills—three for different tax proposals and two for various entitlement changes. Still more are being considered. Taking advantage of the reconciliation procedures in this way would not be precedent-shattering, though it would clearly be an extraordinary extension of what has been done previously. Nevertheless, it would be the latest in what has become a steady degradation of the congressional budget process."

Amen. Amen. A steady degradation of the congressional budget process. "Reconciliation, which was created to make it easier to impose budget discipline, would instead be used to make it easier to get around other procedural safeguards with the result being more spending and lower revenues." We have virtually turned reconciliation on its head.

Mr. President, there is no reason whatever to consider the President's tax cut proposal as a reconciliation bill. The Senate should take up that massive tax cut proposal, which could result in loss of revenues to the Federal Treasury of over \$2 trillion over the coming decade, as a freestanding measure, and today I'm writing to the two leaders urging that be done. It should be fully debated and amended. That is what was done in 1981 when Howard Baker was majority leader and I was minority leader.

President Reagan sent to Congress his tax cut proposal, as well as numerous proposals to cut spending. Appropriately, Congress used the reconciliation process to accomplish the spending cuts in the Omnibus Budget Reconciliation Act of 1981, but the Reagan tax cuts were brought before the Senate as a freestanding bill and were fully debated without depending on reconciliation fast-track procedures. More than one hundred amendments were disposed of and the Reagan tax cut bill was debated for twelve days prior to its passage. The Senate Republican leader-

ship chose to do the right thing by bringing the Reagan tax cut bill to the Senate as a freestanding measure, rather than to use fast-track reconciliation procedures. It was thoroughly aired and the President's leadership was strengthened in the process. Taking the easy way, doing the expedient thing rarely requires much leadership. The Republican Leader, Howard Baker, did the right thing for his President, for the Senate, and for the country.

In 1994, my own leadership pleaded with me—my own Democratic leader—at length to agree to support the idea that the Clinton health care bill should be included in that year's reconciliation package. Not only did then Majority Leader Mitchell attempt to persuade me to go along, President Clinton also pressed me to allow his massive health care bill to be insulated by reconciliation's protections. And particularly the request to me was, "don't make a point of order under the Byrd rule." That would require 60 votes to overcome. There was the key: the Byrd rule.

Mr. President, I could not—and I stated so to my own majority leader, and I stated so to my own party leader in the White House—I could not in good conscience look the other way and allow what was clearly an abuse of congressional intent to occur. I intended, if nobody else did, to make that point of order under the Byrd rule.

So confronted with that situation, our majority leader and the others who were calling on me to go along accepted in good grace the fact that there was no point in pursuing that course.

I felt the changes, as dramatic as the Clinton health care package which would dramatically affect every man, woman, and child in this Nation, had to be subject to scrutiny by the people of this country through amendment and debate. I said to the President, and I said to my majority leader, and I said to others who importuned me to go along, I said I cannot in good conscience allow the rule to be abused. The people of this country are entitled to know what is in the bill. It is a very complicated bill. It will be a very costly bill, a very far-reaching bill. Not only the people of this country but also the Senators who are voting on the bill need to know what is in it. They have a right to know what is in it. So I could not and I would not and I did not allow that package to be handled in such a cavalier manner.

That wasn't easy to do. I stood up against my own majority leader. I stood up against the President of my own party and the White House.

It was the threat—the threat—of the use of the Byrd rule that bolstered my position. I had 60 votes; that 60-vote provision was in my hand. In other words, I make the point of order, and if the Senate waives it, it takes 60 votes. It would be pretty hard to do. So my

view prevailed, and ultimately, the Clinton health care proposal was not passed.

It is time for this abuse of the reconciliation process to cease. We should not be using tight expedited procedures to take up measures that worsen the fiscal discipline of the Federal budget and that have far reaching, profound impacts on the people of this Nation.

Take up measures of that kind and debate them for only 20 hours, if the full 20 hours allowed should be taken? Or debate them for half that long? Is that the way to fulfill our obligation to the people of this country? Is that the way that we live up to the oath we take to support and defend the Constitution of the United States against all enemies, foreign and domestic?

It is an undermining of the legislative process to use the reconciliation instrument in order to enact a huge tax bill which is very controversial. There will be a lot of division of opinion on it. There are Senators who would want to offer amendments. But that beartrap of reconciliation measures, if that instrument is used, Senators will be denied the right to stand on their feet and debate at length and to offer amendments to that huge tax bill.

It is not just the Senators who would be denied the right to debate and amend, it is the people, the people who send Senators here, the people back there on the Plains and the prairies and on the stormy deep, in the coal mines of this country, in the factories, in the offices. They are the people who would be denied the opportunity. They are going to pay for whatever mistake or mistakes such a huge tax cut measure will promote.

The Bush tax cut bill should be brought up and debated as a freestanding bill, just as all appropriations bills are handled. Even emergency supplemental bills, to provide assistance to those who are hit by natural disasters, are fully debatable and amendable by the Senate.

If any proposal ever did, the President's tax proposal requires extensive debate, thought, and caring concern. There are too many issues, too many unanswered questions. We are finding that out in the Budget Committee, which is chaired by Mr. DOMENICI and the ranking member of which is Senator KENT CONRAD. We have had good hearings, good witnesses, good questions.

The tax proposal could sap the budget of the resources needed to solve the Social Security and Medicare crises that loom just over the horizon, due to the impending retirement of the baby boom generation. I am talking about those people who are sitting out there in front of me; that is the baby boom generation. I was around a long time before the baby boom generation came along. A long time. After just 4 years

of surpluses, this bill could put us back on a course towards deficits, returning us to the days when we had to spend the Social Security surplus for day-to-day Federal operations. Do you want to go back to that? Is that where we want to go back to?

This bill would allocate over 42 percent of the tax cuts to the highest 1 percent of the taxpayers; over 42 percent of the tax cuts to the highest 1 percent of the taxpayers. One might say they are the people who pay that, pay most of the taxes. Well, wouldn't you like to be among that group? I would like to be in that group that pays most of the taxes. So shouldn't we have a discussion about this? Shouldn't we have a debate about it?

Hear me, shouldn't we have a debate on this matter? I urge the leaders of this body to consider this. Give us a debate on this matter. Let the Senate work its will, after thoughtful debate and with Senators having an opportunity to offer amendments.

If this bill undermines the financial markets' confidence that our Government is committed to long-term fiscal discipline, it could return us to the days of high interest rates, making the average wage earner's mortgage, education, and automobile more expensive. I think that possibility deserves a little debate. Don't you? How about you, who are watching through those cameras up there?

Mr. President, the Budget Committee, to the credit of the chairman and ranking member of that committee, has held numerous thought-provoking hearings, and the testimony from those hearings has provoked excellent questions from the members of that committee. But the testimony has been, by no means, conclusive about the wisdom of huge tax cuts.

I will support a tax cut. I like to vote for tax cuts. That is the easiest vote that one can cast. I have cast 15,877 rollcall votes in my tenure here in this body, and what an easy matter it is to vote to cut taxes. It doesn't take any courage. It doesn't take any backbone to vote to cut taxes. That is easy.

But the testimony has not been conclusive about the wisdom of huge tax cuts, about the size of the surplus, about the accuracy of 10-year projections—and they are all over the lot, those projections, believe me. It is like predicting the weather. To predict what a surplus will be a year from now, 2 years from now, 10 years from now?—the efficacy of large tax cuts as a tool for stimulating the economy; the wisdom of having some sort of trigger mechanism before proceeding with these tax cuts; the ability to protect Social Security and Medicare in light of giant tax cuts; or the ability of our economy to continue its present rate of growth. Serious doubts have been expressed by many of those testifying and in the Budget Committee, itself, by members on both sides of the aisle.

Yet I believe that the majority fully intends to bring the budget to the Senate floor with the President's tax proposal shrouded in this protective armor of reconciliation, virtually shutting out debate and precluding amendments by the full membership of this body—by the full membership of this body.

Why hold these excellent, thought-provoking hearings at all, if that is the plan? Why do we have to have hearings, if that is the plan from the beginning?

Hearings are intended to try to discover the flaws in a proposal, and to help Members make an informed judgment about the wisdom of proceeding with a matter. We who serve on the Budget Committee may have our chance to exercise our judgment on the budget, but what about the rest of the body? There are many, many views in this Senate on both sides of the aisle, and these views deserve to be heard.

We are talking about a gargantuan tax cut—a behemoth, which threatens to eat up the surplus, drain the Social Security and Medicare trust funds, cripple domestic discretionary spending, siphon off needed defense dollars, and leave us fully unprepared to deal with natural disasters or foreign upheavals. We are talking about making very dramatic changes in our fiscal policies based on—what? Based on projections. And your projection is as good as her projection or as good as his or as good as mine—projections which are admitted by the projectors, themselves, to be very, very tenuous, indeed.

I believe that the American people, those people out there, out in the mountains, in the coastal areas, those to the Pacific, to the Atlantic, from the Canadian-U.S. line to the Gulf of Mexico—all of you ought to have the benefit of a full and thorough debate about the choices before us. Do we pay down the debt with surplus monies? Do we reserve some of the surplus to protect the solvency of the Social Security and Medicare Trust Funds? How do we go about creating a wise and thoughtful plan concerning prescription drugs? Do we spend more on education, and public infrastructure? Do we allow more for Defense abroad and anti-terrorism at home? These are questions which need to be put before the full membership of the Senate and the House, and, through spirited debate and the offering of amendments, before the American people.

This Senator just strenuously, strenuously objects to having these far-reaching, critical matters swathed in the protective bandages of a reconciliation process and ramrodded through this body like some self-propelled missile. Nobody who has listened to the testimony in the Budget Committee could possibly claim that the right choices are clear. They are not clear. There is vast uncertainty and disagreement about nearly every aspect of our future budget policy.

The President's proposals are not an edict, and the Senate is not a quivering body of humble subjects who must obey under any and all circumstances.

I suggest that, if the faint dream of effecting some sort of true bipartisanship in Washington for a time is ever to jell into something tangible, reliance on reconciliation as the torpedo to deliver a knock-out punch for the President is a tactic which must be abandoned.

It is not a fair course. It is not a wise course. And, it is a course which short-changes the American people.

We must not shackle the intellects of one hundred Members of the Senate in this way.

That is what we would be doing. We would shackle, hand and foot, the intellects of 100 Members. One-hundred representatives of 280 million people would be shackled in this body, and shackled, as well, on the other side of the Capitol in the House.

We must not ignore the viewpoints of millions of Americans. We should not fear the wisdom of open and free-ranging debate about a proposal which is, at best, risky business. Now is no time to circle the wagons. Now is the time to hear all the voices and build consensus among ourselves and among our people.

There will be no victory here, if we make the wrong choices and plunge this Nation back to deficit status. I implore the Leadership to bring whatever tax bill we write to the full Senate as a freestanding non-reconciliation bill for a thorough examination by this body. The President has said that he wants bipartisanship. He has said that he has faith in his plan. There is no need to hide behind the iron wall of reconciliation. Let us not damage the President's leadership with the ruthless misuse of a process in this body, which may hand him a very hollow victory, indeed.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, I had the opportunity to hear a good part of the statement by the Senator from West Virginia. As on so many important occasions, he has spoken for this institution and for our country. He has reminded us once more that as we care about the sum and substance of an issue, the process can be a more powerful factor and force as it is in this particular case almost on the substance because what we are looking at is a process and a procedure which will deny this Senate its true role as defined by the Founding Fathers when they met in Philadelphia and devised this institution of the Senate to be a place where ideas clash and where the Nation's business is to be considered in an open and deliberate way. That was going to permit the opportunity for the

fashioning and the shaping of the legislation after adequate debate and consideration.

He is reminding us once again about our responsibilities to meet our Founding Fathers' intentions for this institution and how their definition is actually being corrupted by a procedure which is known as the reconciliation process, which is a phrase that is probably not well understood in terms of its significance and importance in the consideration of this tax reduction but will have a very dramatic effect on the opportunity for the American people's will to be expressed by a good debate and by the opportunity for the Senate to work its will.

This is one of the most important speeches we will hear this year.

I commend the Senator for taking the Senate's time in making it. I have listened to him as he has studied the propositions during the past several weeks. I watched him on CNN the other night while he was in attendance at the Budget Committee and listening to those talking about providing adequate defense of our country. I watched him for several hours listening to those presentations. I watched him, as well, in the Budget Committee when he was listening to those who spoke about the economic conditions in this country and about the details of the President's budget. As always, no one studies these issues more deeply and more thoroughly or more comprehensively.

His speech today is not one of partisanship but one of statesmanship in reminding the Senate and, most importantly, also the leadership about its responsibilities to the American people. I thank him for making it.

I hope, although this Chamber is not well occupied at this moment, all of our colleagues will take the time to examine this speech in the RECORD tomorrow.

I hope he will continue to press these points as we go through this process in the days and weeks ahead because it is in the interest of this institution and our country.

I thank the Senator for the time he has taken and for the thoughtful presentation.

Mr. BYRD. Mr. President, if the Senator will yield, I thank the Senator from Massachusetts for his time, for his waiting, and for his very wise words.

Mr. KERRY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

LOW INCOME HOME ENERGY ASSISTANCE PROGRAM

Mr. KERRY. Mr. President, I am introducing a resolution, which I send to the desk, that addresses one of the

most urgent needs of citizens all across the country. That resolution is cosponsored by Senators SCHUMER, HARKIN, KENNEDY, DURBIN, and BOXER.

What it does is call on Congress to take immediate action to enact supplemental appropriations that will include funding for the Low Income Home Energy Assistance Program. This program helps more than 30 million of our fellow citizens in low-income households around the Nation to pay rising energy bills. Every one of these households have fixed and low incomes, and many include children and elderly. More than two-thirds of the households eligible for this assistance have annual incomes of less than \$8,000. As energy prices have risen and so have the costs to heat or cool a home, those families face an unacceptable proposition of choosing between their food, medicine, and other basic necessities.

Unfortunately, this program has literally exhausted its funds in a number of States, and it is nearly exhausted in many others. As a result, thousands of households around the Nation—particularly in areas that may face several more weeks of the severe cold weather—are at risk. As many colleagues know, the price of heating oil, natural gas, kerosene, propane, and electricity has risen significantly over the past year and in some areas sharply enough to cause a deep financial burden on many households.

It is my hope that President Bush and the Congress can work together to address this situation. I have talked with many of my colleagues. They share my concern, and they, too, have constituents in need. We are only in the middle of February at this point, and already some States have exhausted their LIHEAP support. March and April can be very cold months in New England, New York, and throughout the Midwest.

This resolution calls on President Bush, who has been a strong advocate for LIHEAP, to work with our leadership to craft and enact legislation that would put \$1 billion into the LIHEAP program to help those in need now when they need it. It also calls on Congress to support supplemental appropriations of \$152 million in weatherization and \$37 million on State energy conservation plan grants. These programs we believe can significantly help reduce energy use and reduce the overall expense of the program.

There has been a lot of talk of bipartisanship in this Congress. I am reminded that bipartisanship really always counts the most when the national needs blur the lines of ideology and party. These are the times when the Senate has been at its very best. I suggest, respectfully, that with Americans struggling with their heating bills, and all of their bills as a result of their heating bills, and with common-sense relief for so many people directly

within our grasp, there should not be an excuse for inaction. There would be every reason to act responsibly and rapidly. I hope my colleagues will join us in doing so.

I thank the Senator from Alaska for his courtesy, and I thank the Chair.

Mr. MURKOWSKI. Mr. President, let me thank my good friend from Massachusetts for his concern over energy efficiency and conservation assistance to low-income families. I am sure he will be pleased to know that in my remarks today concerning the comprehensive energy bill that will be introduced on the 26th, Monday, when we come back, about noon, we cover under title VI an extensive area of concern not only to the Senator from Massachusetts, but I think the entire eastern corridor and other parts of the United States that are subject to cold winters and dependent on high-cost heating oil.

I think it is appropriate to also note the study that came out by the CSIS yesterday indicating a reality that some of us hesitate to take seriously, but on the other hand this study has been underway for some 3 years. It simply states the harsh reality that we are going to be dependent on hydrocarbons for the foreseeable future. It was estimated in that study that the increase would go from about 83 to about 90 percent of the energy used in the world would come from hydrocarbons, primarily from the developing countries.

So the reality that we are likely to suddenly relieve ourselves of our dependence on foreign oil, unfortunately, is probably not a reality. The rationale for that is obvious. We don't have the technology, very frankly, particularly in the areas of transportation, for any other mode. That doesn't suggest we should not continue to fund, if you will, alternative energy, renewable energy and so forth, and continue to try to develop technology, such as hydrogen and various other things. But to suggest that somehow out of this energy crisis we can do it through conservation and efficiency alone is unrealistic. I wish that were the case.

I encourage all of my friends to take a look at this report, which is done by an objective, unbiased group.

Let me refer specifically to sections in our draft energy bill, and for the benefit of my friend from Massachusetts, who I see has left the floor, I will start from the beginning rather than what I was prepared to do, which was to comment specifically on the areas associated with the concerns of low-income families and programs on energy efficiency, conservation, and so forth. I will be happy to do that now that I see my friend is back. I think it represents an awareness and an acknowledgment of a situation that simply has to have relief.

In title VI—energy efficiency and conservation assistance to low-income families—we propose an extension of